

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANE DOE 1 and JANE DOE 2, on behalf of
themselves and all similarly situated women,

Plaintiffs,

-against-

THE CITY OF NEW YORK and BENNY
SANTIAGO,

Defendants.

15 Civ. 3849 (AKH)

PLAINTIFFS' PROPOSED QUESTIONS FOR VOIR DIRE

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Attorneys for Plaintiffs

Plaintiffs Jane Doe 1 and Jane Doe 2¹ respectfully submit the following proposed *voir dire* questions:

1. This is a lawsuit for civil rights violations brought by two plaintiffs, alleging that while they were detained at the Rose. M. Singer Center, the all-women jail on Rikers Island in New York City, they were repeatedly raped and sexually abused by the same male correction officer, Benny Santiago. One of the plaintiffs also alleges that she was retaliated against when she reported her abuse. The plaintiffs have brought this lawsuit against Mr. Santiago, as well as against the City of New York, on the basis that their constitutional rights were violated. The defendants deny plaintiffs' allegations. Is there any reason why you would have difficulty being completely neutral and fair in deciding this case if you are chosen to serve on the jury?
2. Do you know a correction officer named Benny Santiago?
3. Do you know anyone who currently or in the past was employed as a correction officer?
If so:
 - What is that person's relationship to you?
 - Where did that person work? If in New York, did that person work for New York City or State? What facility?
 - Is that person still employed as a correction officer? If not, for how long were they a correction officer?
4. Have you or any of your family members, household members, or close friends ever been employed in any capacity by any other law enforcement agency or served in the military?
 - Is that you or someone else?
 - If someone else, what is their relationship to you?
 - What position did you/he/she hold?
 - For how long?
 - Was that person a member of a union?
5. Have you or any of your family members, household members, or close friends ever worked for the City of New York or any of its governmental agencies, other than as a correction officer or in a law enforcement capacity? If so:
 - Is that you or someone else?

¹ Pursuant to the Court's order during the March 20 conference, the parties will submit a consent order to identify Plaintiffs at the May 1, 2017 final pre-trial conference.

- If someone else, what is their relationship to you?
 - What position did you/he/she hold?
 - For how long?
 - Was that person a member of a union?
6. In general, do you think you would be inclined to give less weight to the testimony of an individual that has been arrested or convicted of a crime than you would to an ordinary citizen, because that individual was arrested or convicted of a crime?
 7. Would your views on incarcerated persons make it difficult for you to render a fair verdict in this case?
 8. Do you believe inmates should retain their constitutional rights while being detained or incarcerated?
 9. In general, do you think you would be inclined to give greater weight to the testimony of a correction officer than you would to an ordinary citizen, because he is a correction officer?
 10. In general, do you think you would be inclined to give greater weight to the testimony of an employee of a City agency than you would to an ordinary citizen, because he is a City employee?
 11. Would your views on law enforcement, correction officers, or city agencies make it difficult for you to render a fair verdict in this case?
 12. Have you or any of your family members, household members, or close friends ever been arrested, detained or incarcerated in a jail or prison for any length of time? If so:
 - What was the crime the person was accused or convicted of?
 - Was the person incarcerated in a jail run by the City of New York?
 - Is the person presently incarcerated? If not, when was he or she released?
 13. Have you or any of your family members, household members, or close friends ever been the victim of a crime? If so:
 - What was the crime?
 - Was anybody ever convicted of that crime? If so, was the perpetrator sentenced to serve time in jail?
 14. Have you or any of your family members, household members, or close friends ever been accused of any kind of sexual misconduct against another individual, meaning rape,

sexual assault, or sexual harassment? Please answer yes even if the allegations were not ever proven or were proven to be false.

15. Have you or any of your family members, household members, or close friends ever been a victim of sexual misconduct, meaning rape, sexual assault, or sexual harassment?

16. You may hear – in person or through video tape – from a number of witnesses. Their names are:

- Michael Blake
- Sabrina Blenman
- Naseka Browne
- Tyrone Carter
- James Christo
- Sean Cussen
- Kelsey De Avila
- Jaqueline Farrell
- Steven Fayer
- Dominique Harris
- Julie Heinig
- Gregory Kuczinski
- Theresa Lantz
- Manuel Lopez-Leon
- Latoya Louallen
- Diane Medina
- Sarah Phillips
- Carlos Rodriguez
- Karen Rosenbaum
- Timothy Ryan
- Jasmine Santiago
- Jennifer Sculco
- Ferdinand Torres
- Betty Wilson
- Alexandra Wityak
- Cynthia Wynn
- Rhonda Young

Do you know anyone on this list?

17. Have you ever been through a traumatic event?

- How did you respond afterwards?
- Did you ever rely on your instincts to get through the traumatic event?
- After the traumatic event, were you able to think clearly?

- After it was over and you had some time to reflect, were there things you wish you could have done differently?
- Did you react the same way you had thought you would?
- Do you think that rape victims might respond in a variety of ways to trauma as well?

Dated: New York, New York
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